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10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-699

13 **ROBYN ANN RHODES**  
14 **a.k.a. ROBYN ROSNER**  
15 **605 E Rudasill Road**  
**Tucson, AZ 85704**

**A C C U S A T I O N**

16 **Registered Nurse License No. 627585**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about October 6, 2003, the Board of Registered Nursing issued Registered  
24 Nurse License Number 627585 to Robyn Ann Rhodes, a.k.a. Robyn Rosner, (Respondent). The  
25 Registered Nurse License expired on March 31, 2005, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),  
28

1 Department of Consumer Affairs, under the authority of the following laws. All section  
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
4 that the Board may discipline any licensee, including a licensee holding a temporary or an  
5 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
6 Nursing Practice Act.

7 5. Section 2764 of the Code provides that the expiration of a license shall not deprive  
8 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
9 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the  
10 Board may renew an expired license at any time within eight years after the expiration.

#### 11 STATUTORY PROVISIONS

12 6. Section 2761 of the Code states: "the board may take disciplinary action against a  
13 certified or licensed nurse or deny an application for a certificate or license for any of the  
14 following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 ...

17 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action  
18 against a health care professional license or certificate by another state or territory of the United  
19 States, by any other government agency, or by another California health care professional  
20 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
21 action."

#### 22 COST RECOVERY

23 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
28 included in a stipulated settlement.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)  
3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 8. Respondent is subject to disciplinary action under Code section 2761, subdivision  
5 (a)(4), in that on or about July 14, 2009, *In the Matter of Registered Nurse License No. RN069697*  
6 *Issued to: Robyn L. Rosner*, the Arizona State Board of Nursing (Arizona Board) made findings  
7 of fact, conclusions of law and an Order of Voluntary Surrender of Respondent's license to  
8 practice nursing in Arizona. Respondent admitted the Arizona Board's Finding of Fact and  
9 Conclusions of Law. The underlying circumstances upon which the Arizona Board's findings  
and conclusions were based are as follows:

10 9. During the time period from April 1, 2008, to June 5, 2008, while assigned to work as  
11 a Registered Nurse at Cornerstone Hospital ("Cornerstone") in Tucson Arizona, Respondent's  
12 unprofessional practice and behavior was observed by Cornerstone staff as follows:


- 13 a. On or about June, 3, 2008, Respondent was missing from her shift and unavailable to  
14 the patients requesting their pain medication. Respondent was later found in a locked  
15 bathroom complaining of a headache;
- 16 b. On or about June 4, 2008, a patient under Respondent's care reported that she did not  
17 get pain relief when Respondent administered her medication but did receive pain relief  
18 when another nurse administered the medication. The patient did not want Respondent  
19 to care for her;
- 20 c. On or about June 5, 2008, Respondent was observed lying down in an unoccupied room  
21 for about 20 minutes;
- 22 d. On or about June 5, 2008, Respondent failed to feed a quadriplegic patient dinner;
- 23 e. Respondent documented that a patient was given an intravenous dose of medication  
24 when the medication had been returned to the Pharmacy unused.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:  
28

- 1           1.     Revoking or suspending Registered Nurse License Number 627585, issued to Robyn  
2 Ann Rhodes, a.k.a. Robyn Rosner;  
3           2.     Ordering Robyn Ann Rhodes, a.k.a. Robyn Rosner, to pay the Board of Registered  
4 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
5 Business and Professions Code section 125.3;  
6           3.     Taking such other and further action as deemed necessary and proper.  
7

8  
9 DATED: MARCH 2, 2013

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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